# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC., and HONEYWELL INTELLECTUAL PROPERTIES INC.,	) )
Plaintiffs,	) )
v.	) )
AUDIOVOX COMMUNICATIONS CORP.; AUDIOVOX ELECTRONICS CORPORATION; NIKON CORPORATION; NIKON INC.; NOKIA CORPORATION; NOKIA INC.; SANYO ELECTRIC CO., LTD.; and SANYO NORTH AMERICA CORPORATION,	) ) ) C.A. No. 04-1337-KAJ ) )
Defendants.	) )
HONEYWELL INTERNATIONAL INC., and HONEYWELL INTELLECTUAL PROPERTIES INC.,	) )
Plaintiffs,	, ) )
v.	) ) C.A. No. 04-1338-KAJ
APPLE COMPUTER, INC.; ARGUS A/K/A HARTFORD COMPUTER GROUP, INC.; CASIO COMPUTER CO., LTD.; CASIO, INC.; CONCORD CAMERAS; DELL INC.; EASTMAN KODAK COMPANY; FUJI PHOTO FILM CO., LTD.; FUJI PHOTO FILM U.S.A., INC.; FUJITSU LIMITED; FUJITSU AMERICA, INC.; FUJITSU COMPUTER PRODUCTS OF AMERICA, INC.; KYOCERA WIRELESS CORP.; MATSUSHITA ELECTRICAL INDUSTRIAL CO.; MATSUSHITA ELECTRICAL CORPORATION OF AMERICA; NAVMAN NZ LIMITED; NAVMAN U.S.A. INC.; OLYMPUS CORPORATION; OLYMPUS AMERICA, INC.; PENTAX CORPORATION; PENTAX U.S.A., INC.; SONY CORPORATION; SONY CORPORATION OF AMERICA; SONY ERICSSON MOBILE COMMUNICATIONS AB; SONY ERICSSON MOBILE COMMUNICATIONS (USA) INC.; TOSHIBA CORPORATION; and TOSHIBA AMERICA, INC.,	) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) )
Defendants.	)

CUSTOMER DEFENDANTS' JOINT MOTION TO STAY CASES PENDING RESOLUTION OF LCD MODULE MANUFACTURERS' CASES

Defendants Nikon Corporation and Nikon Inc. ("Nikon"), Pentax Corporation and Pentax of America, Inc. ("Pentax"), and Kyocera Wireless Corp. ("KWC"), as customer defendants, respectfully request this Court to enter an Order staying the above-captioned actions against the customer defendants pending final resolution of Plaintiffs', Honeywell International Inc. and Honeywell Intellectual Properties Inc. ("Honeywell"), claims against the device manufacturers in the actions. As purchasers and users of the allegedly infringing devices, the customer defendants have no technical information concerning the design or manufacture of the allegedly infringing devices, nor any ability to address fully and thoroughly the substance of the claims raised by Honeywell. Rather, it is the device manufacturers in these actions who have an overriding interest in defending their products and who have the technical information necessary to defend against claims of patent infringement.

The grounds for this Motion are fully set forth in the accompanying Opening Brief In Support Of Customer Defendants' Joint Motion To Stay Cases. A Proposed Order granting the Customer Defendants' Joint Motion to Stay is attached as Exhibit A.

Rule 7.1.1 Certification: Counsel for movant Nikon, on behalf of the joint movants, discussed this Motion with counsel for Honeywell; however, Honeywell has yet to clarify its position on the Motion.

# Filed 04/12/2005

# Page 3 of 5

#### OF COUNSEL:

Barry W. Graham
John F. Hornick
Darren M. Jiron
FINNEGAN, HENDERSON FARABOW,
GARRETT & DUNNER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413

POTTER ANDERSON & CORROON LLP

By:

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6<sup>th</sup> Floor
1313 N. Market Street
Wilmington, Delaware 1980

Wilmington, Delaware 19899-0951

Phone: (302) 984-6000

Attorneys for Defendants Nikon Corporation and Nikon Inc.

OF COUNSEL:

Stuart Lubitz
David H. Ben-Meir
Robert J. Benson
HOGAN & HARTSON, LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067

**HUNTLEY & ASSOCIATES, LLC** 

Donald W. Huntley 1105 North Market Street

P.O. Box 948

Wilmington, DE 19899-0948

Phone: (302) 426-0610

Attorneys for Defendants Kyocera Wireless Corp.

OF COUNSEL:

Michael J. Fink
P. Branko Pejic
Neil F. Greenblum
GREENBLUM AND BERNSTEIN, PLC
1950 Roland Clarke Place
Reston, VA 20191

YOUNG, CONAWAY, STARGATT, & TAYLOR

11112U-11

ву: \_\_

798

]UJ

Adam Wyatt Poff

The Brandywine Building 1000 West Street, 17<sup>th</sup> Floor

P.O. Box 391

Wilmington, DE 19899-0391

Phone: (302) 571-6600

Attorneys for Defendants Pentax Corporation and Pentax of America, Inc.

DATED: April 12, 2005

677754

# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

### **CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on April 12, 2005, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Philip A. Rovner
Potter Anderson & Corroon LLP
1313 N. Market Street
Hercules Plaza, 6<sup>th</sup> Floor
Wilmington, DE 19899

John W. Shaw Young, Conaway, Stargatt & Taylor, LLP The Brandywine Building 1000 West Street, 17<sup>th</sup> Floor P.O. Box 391 Wilmington, DE 19899-0391

Adam W. Poff Young, Conaway, Stargatt & Taylor, LLP The Brandywine Building 1000 West Street, 17<sup>th</sup> Floor P.O. Box 391 Wilmington, DE 19899-0391

Thomas C. Grimm Kristen Healey, Esquire Sean T. O'Kelly, Esquire Morris, Nichols, Arsht & Tunnell 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899 William J. Wade Richards, Layton & Finger One Rodney Square P.O. Box 551 Wilmington, DE 19899-0551

Frederick L. Cottrell, III Richards, Layton & Finger One Rodney Square P.O. Box 551 Wilmington, DE 19899-0551

Thomas L. Halkowski Fish & Richardson P.C. 919 N. Market St., Suite 1100 P.O. Box 1114 Wilmington, DE 19899-1114

Francis DiGiovanni
James M. Olsen
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

Amy Evans Cross & Simon, LLC 913 N. Market Street, Suite 1001 P.O. Box 1380 Wilmington, DE 19899-1380

Andre G. Bouchard Karen L. Pascale 222 Delaware Avenue, Suite 1400 Wilmington, DE 19801 Donald W. Huntley Huntley & Associates 1105 North Market Street, Suite 800 P. O. Box 948 Wilmington, DE 19899-0948

By:

Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6<sup>th</sup> Floor
1313 N. Market Street
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

676821